

#### BACKGROUND ON 1142 11TH STREET NORTH PROPERTY

- In 1984, the property at 1142 11th Street North was granted a Special Use Permit by The City of Fargo's Planning Commission to operate an auto repair shop contained within the garage in the rear yard.
  - The Special Use Permit required strict compliance with its terms.
    - These conditions did not include auto sales.
    - It required limited the auto repair be located within the confines of the garage during the hours of 8:30 a.m. to 6:30 p.m., no other employees permitted, no body work or painting permitted and no stacking of autos in the alley was allowed.
  - In summary, the Special Use Permit provided that an auto mechanic shop only may be operated out of the garage of the property.
  - The conditionally approved land use activity is a commercial business and subject to fire inspections twice per year for the duration of the activity.
- In 1998, The City of Fargo adopted a new Land Development Code, converting the Special Use Permit granted for this property to a legal non-conforming use.
  - The legal non-conformity continued as long as the property was being used in accordance with the Special Use Permit terms.
- In 2003, based on complaints received by the Fargo Planning & Development Department, a notice of violation was sent to the owner of the property, advising that the property was in violation due to the fact that the operator had expanded and increased the intensity of the use of the property in violation of the permission granted in 1984.
  - At that time, the property was identified as no longer legally non-conformity and the "grandfathering" status was no longer in effect, indicating that the property was illegal, and non-compliant with the Land Development Code.
  - For more information on Non-Conformities and legal standing, reference Article 20-10 of the Land Development Code.
- As of today, the commercial operation at the property is a violation of the Land Development Code.
- Over the course of the past two decades--based on focused neighborhood dialog between the City and the community--protecting and enhancing our neighborhoods near downtown has become a priority focus.
  - This resulted in dedicated resources to engage in strategic planning efforts and ultimately the adoption of the Core Neighborhoods Plan in December 2021.
    - This plan included extensive public engagement efforts.
    - Five major themes were identified with 21 initiatives.
    - The fifth highest priority identified as "Strengthen existing complaint- based code enforcement efforts by expanding communication/outreach."
    - In 2021, as a result of the initiatives, the City of Fargo (for the first time) allocated resources for two full-time code enforcement inspectors.
- Meanwhile, complaints continued to be received about the property at 1142 11th Street North, and the adjacent property at 1146 11th Street North.
  - The outstanding code violations were revisited.

- Through the complaint review process, it was discerned that the property was converted to rental, prompting further inspections.
  - The code enforcement personnel reviewed the case history and determined the property was not being operated in a manner consistent with the 1984 special use permit including (but not limited to) the stacking of cars in the alley way.
  - Other code violations were also observed, including numerous junk vehicles, vehicles parked in the front yard, barrels of possible hazardous materials stored on the driveway, sign code violations and property maintenance deficiencies.
- The property owner (Davis Estates, LLC, and its successor Northstar Property Partners, Inc.) was provided notice and has remedied some of the violations.
- The tenant (John Bultman) and his brother met with the Mayor and representatives of the Inspections and Planning & Development Departments on December 20, 2022.
  - At that time, the City believed that the tenant understood the City's position and further that he agreed to voluntarily cease all commercial activity by March 30, 2023, allowing him time to complete the work for current customers, after which the property would be brought into full compliance with the Land Development Code of The City of Fargo.
  - The City of Fargo contends that Mr. Bultman, as a tenant of the property, is not the proper complainant.
- Even with dedicated resources, The City of Fargo is still operating a complaint-based code enforcement system.
  - The actions related to this property are being undertaken in response to citizen complaints and observed violations of City policies.
- Images are found on the next pages of this document detailing items mentioned above.



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